

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LEAF O'NEAL, ALEXIS UBIERA, and
IVAJLO MILANOV, Individually and on
Behalf of all others similarly situated,

Plaintiffs,

-v.-

ORDER

FREM GROUP, L.P., STAMFORD CLUB
MANAGEMENT, INC., YORKTOWN
CLUB MANAGEMENT, INC.,
WESTCHESTER INDOOR TENNIS
CORPORATION, STAMFORD INDOOR
TENNIS CORPORATION, ELIZABETH
GAGLIARDI, ROSEANN GAGLIARDI,
FRANK GAGLIARDI and JOHN
DEFILLIPO,

11-CV-2633 (CS)

Defendants.

-----X
Seibel, J.

Before the Court is the joint application of the parties for approval of their settlement of this action under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* ("FLSA"), as well as New York and Connecticut state law. I am inclined to approve the settlement as fair and reasonable, but for two provisions.

First, Defendants request, without objection from Plaintiffs, that I review and approve the settlement *in camera*, and file it under seal. Such a procedure contravenes the policies underlying the FLSA, and neither the Defendants' desire to keep the amounts confidential, nor the parties' agreement to confidentiality, suffice to overcome those policies. *See Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332, 337-40 (S.D.N.Y. 2012).

Second, I have not been provided with sufficient information to assess the reasonableness of the proposed award for attorneys' fees pursuant to the settlement. I have no information regarding the hours expended or the hourly rates at which counsel seek to be compensated.

Accordingly, I cannot at this time approve the settlement under the terms proposed. The parties may submit authority in an endeavor to persuade me that the concerns identified above need not prevent approval; they may modify their request for confidentiality and provide the detail necessary to assess the fee award; or they may do something else entirely. Whatever they choose to do, they shall do it no later than October 15, 2013.

SO ORDERED.

Dated: October 1, 2013
White Plains, New York



CATHY SEIBEL, U.S.D.J.